

Article - Insurance

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§18–103.

(a) A carrier may not advertise, market, or offer a policy, contract, or certificate in the State as long-term care insurance or long-term nursing home insurance unless the policy or contract complies with this title.

(b) (1) Before a carrier advertises, on television or radio or in writing, a policy or contract of long-term care insurance or long-term nursing home insurance that is offered for sale in the State, the carrier shall submit a copy of the advertisement to the Commissioner for review.

(2) The carrier shall retain each advertisement for 3 years after the date the advertisement first was used.

(3) The Commissioner may exempt a carrier or a carrier's advertising form or material from the requirements of this section if in the opinion of the Commissioner the requirements may not reasonably be applied.

(c) A carrier that markets long-term care insurance in the State shall:

(1) establish marketing procedures to ensure that any comparison of policies by insurance producers of the carrier will be fair and accurate;

(2) establish marketing procedures to prevent the sale or issuance of excessive insurance;

(3) establish procedures for verifying compliance with this subsection;

(4) provide, to the extent possible, information on any senior citizen counseling program;

(5) display prominently on the first page of the outline of coverage and the policy the following:

“Notice to buyer: This policy may not cover all the costs associated with long-term care incurred by the buyer during the period of coverage. The buyer is advised to review carefully all policy limitations.”; and

(6) make every reasonable effort to identify whether a prospective applicant:

(i) already has long-term care insurance and, if so, the types and amounts of the long-term care insurance;

(ii) had long-term care insurance in force during the last 12 months;

(iii) is covered under the medical assistance program; or

(iv) intends to replace any existing medical or health insurance coverage with long-term care insurance.

(d) An insurance producer who offers or sells policies or contracts of long-term care insurance in the State shall:

(1) advise an individual considering the purchase of a long-term care insurance policy or contract about the availability and benefits of a policy that qualifies under the Qualified State Long-Term Care Insurance Partnership established under Title 15, Subtitle 4 of the Health – General Article;

(2) provide a disclosure statement, approved by the Commissioner, to each applicant for long-term care insurance about the Qualified State Long-Term Care Insurance Partnership; and

(3) make the disclosure statement required under item (2) of this subsection available to the Commissioner for inspection.

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